

1 KIRKLAND & ELLIS LLP  
2 Robert G. Krupka, P.C. (S.B.N. 196625)  
rkrupka@kirkland.com  
3 Luke L. Dauchot (S.B.N. 229829)  
ldauchot@kirkland.com  
4 Ephraim D. Starr (S.B.N. 186409)  
estarr@kirkland.com  
5 777 South Figueroa Street  
Los Angeles, California 90017  
6 Telephone: (213) 680-8400  
7 Facsimile: (213) 680-8500

8 Attorneys for Defendant-Counterclaimant  
HONEYWELL INTERNATIONAL INC.  
9 and Counterclaimant HONEYWELL  
10 INTELLECTUAL PROPERTIES INC.

11 UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF CALIFORNIA  
13 WESTERN DIVISION

14 TELEDYNE TECHNOLOGIES INC., a ) Case No. CV 06-06803  
15 Delaware corporation, )  
)

16 Plaintiff, ) Assigned to: Hon. Margaret M. Morrow  
17 vs. )  
)

18 HONEYWELL INTERNATIONAL ) **REVISED [PROPOSED] MARKMAN**  
19 INC., a Delaware corporation, ) **ORDER**  
20 )  
21 )

22 Defendant. )  
23 )

24 HONEYWELL INTERNATIONAL )  
25 INC. and HONEYWELL )  
26 INTELLECTUAL PROPERTIES INC., )  
27 a Delaware corporation, )  
28 )

29 Counterclaimants, )  
30 vs. )  
31 )

32 TELEDYNE TECHNOLOGIES INC., a )  
33 Delaware corporation, )  
34 )

35 Counterdefendant. )  
36 )  
37 )  
38 )

1 Having considered the parties' briefs, the pleadings, the declarations, the  
 2 evidence submitted, and the oral argument of counsel herein, and good cause  
 3 appearing therefore,

4

5 IT IS HEREBY ORDERED, DECREED and ADJUDGED that the following  
 6 constructions shall apply to the below patents in this case:

7

8 **U.S. PATENT NO. 6,181,990**

9 '990 Patent Claim Term	10 Construction
11 <b>Flight data</b>	12 Flight parameters such as air speed, altitude, vertical 13 acceleration, heading, and time.
14 <b>Data acquisition unit</b>	15 The aircraft component known as the flight data 16 acquisition unit (FDAU).
17 <b>At least a second sensor 18 configured to sense a 19 landing of the aircraft</b>	20 This term does not require construction.  <b>Alternate construction:</b> At least a second sensor 21 configured to sense a touching down of the aircraft.
22 <b>Cellular infrastructure</b>	23 A voice/data network for mobile radio communication in 24 a licensed frequency band, organized as a system of cells including a base station transceiver subsystem connected to a base station controller.
25 <b>Communication is 26 initiated when at least 27 the second sensor senses 28 the landing of the aircraft</b>	This term does not require construction.  <b>Alternate construction:</b> Communication is initiated at the time that at least the second sensor senses the touching down of the aircraft.
<b>Modem</b>	This term does not require construction.  <b>Alternate construction:</b> An electronic device that modulates and demodulates an analog carrier, enabling digital information to be sent and received over analog

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	<b>‘990 Patent Claim Term</b>	<b>Construction</b>
		transmission facilities.
4 5	<b>Serial card</b>	A circuit board with I/O interfaces that each transmit data to or from a peripheral device one bit at a time.
6 7 8	<b>Cell channels</b>	Multiple paths that open, sustain and close the air interface, and transmit flight data via the cellular infrastructure simultaneously and in parallel.
9 10 11	<b>Plurality of cell channels in communication with said serial card</b>	More than one physical, over-the-air channels to the cellular infrastructure are each attached to an I/O port of said serial card, allowing the cell channels to transmit data simultaneously and thus in parallel.
12 13 14 15	<b>Initiated automatically upon landing of the aircraft</b>	This term does not require construction.  <b>Alternate construction:</b> Initiated without human intervention upon touching down of the aircraft.
16 17 18 19 20	<b>Sensing means for sensing a landing of the aircraft</b>	This is a means-plus-function limitation under 35 U.S.C. § 112(6).  <b>Function:</b> sensing the landing of the aircraft.  <b>Corresponding structure:</b> the weight-on-wheels signal from the landing gear of the aircraft.
21 22 23 24 25 26	<b>Means for transmitting</b>	<b>Means for transmitting:</b> this is a means-plus-function limitation under 35 U.S.C. § 112(6).  <b>Function:</b> transmitting flight data.  <b>Corresponding structure:</b> The structure and steps disclosed at ‘990 col.3 ll.30-42 and ‘990 col.4 ll.63-67.

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	‘990 Patent Claim Term	Construction
Transmission of the data is initiated when the sensing means sense the landing of the aircraft	This term does not require construction.  <b>Alternate construction:</b> Transmission of the data is initiated when the weight-on-wheels signal is generated.	
Means for receiving	This is a means-plus-function limitation under 35 U.S.C. § 112(6).  <b>Function:</b> receiving the flight data from the cellular infrastructure.  <b>Structure:</b> the structure and steps disclosed at ‘990 col.4 ll.32-53 and ‘990 col.5 l. 41 to col.6 l. 26.	
Receiving a signal indicating a landing of the aircraft from at least a first sensor	This term does not require construction.  <b>Alternate construction:</b> Receiving a signal indicating a touching down of the aircraft from at least a first sensor.	
Cellular communications infrastructure	A voice/data network for mobile radio communication in a licensed frequency band, organized as a system of cells including a base station transceiver subsystem connected to a base station controller.	
Cellular communications infrastructure is accessed in response to the signal	This term does not require construction.  <b>Alternate construction:</b> The cellular communications infrastructure is accessed in response to the signal indicating that the aircraft is touching down.	
Receiving a signal indicating a landing of the aircraft from at least a second sensor	This term does not require construction.  <b>Alternate construction:</b> Receiving a signal indicating a touching down of the aircraft from at least a second sensor.	
Flight operations center	Base of flight operations for the airline or other aircraft	

'990 Patent Claim Term	Construction
	operator.
<b>Data thread</b>	Part of a computer program that runs independently or with other parts of a computer program to convey flight data packets for transmission via cell channels to the cellular infrastructure.
<b>Primary data thread</b>	<p>This term is indefinite.</p> <p><b>Alternate construction:</b> The thread that makes the initial call and opens the communications channel to the flight operations center.</p>
<b>Threads are active</b>	More than one thread is active.
<b>Transmitting said processed data via a cellular infrastructure when said aircraft has landed</b>	<p>This term does not require construction.</p> <p><b>Alternate construction:</b> Transmitting the processed data via a cellular infrastructure when the aircraft has touched down.</p>
<b>Cellular telephone infrastructure</b>	<p>This term does not require construction.</p> <p><b>Alternate construction:</b> A cellular infrastructure that provides service to cellular telephones.</p>

# United States Patent Number 6,477,152

'152 Patent Claim Terms	Construction
<b>Data source</b>	<p>This term does not require construction.</p> <p><b>Alternate construction:</b> A source of data.</p>
<b>Network system</b>	<p>A network that communicates requests to the data source.</p>
<b>Information request system</b>	<p>This term does not require construction.</p> <p><b>Alternate construction:</b> A system configured to enable a system user to request information.</p>
<b>Transmission unit</b>	<p>A component through which information requests to the data source are transmitted. The transmission unit may act as a receiver and receive signals from the data source.</p>
<b>Satellite data unit</b>	<p>This term does not require construction.</p> <p><b>Alternate construction:</b> A communications unit that facilitates communications via satellite.</p>
<b>Radio frequency unit</b>	<p>This term does not require construction.</p> <p><b>Alternate construction:</b> A radio frequency communications unit.</p>
<b>First communication medium</b>	<p>This term does not require construction.</p> <p><b>Alternate construction:</b> Any suitable media or combination of media for transmitting data requests from transmission unit to the data source.</p>
<b>Aeronautical satellite system</b>	<p>This term does not require construction.</p> <p><b>Alternate construction:</b> At least one satellite configured to receive data request signals from the transmission unit and forward or transmit the signals to</p>

'152 Patent Claim Terms	Construction
	a ground earth station.
<b>Second communication medium</b>	<p>This term does not require construction.</p> <p><b>Alternate construction:</b> Any medium, plurality or combination of media capable of transmitting information from the data source to the receiver.</p>
<b>Direct broadcast satellite</b>	A satellite that facilitates access to greater bandwidth than reliance solely on the telephone system and affords relatively high data transfer rates from the data source to the receiver.
<b>Direct broadcasting system.</b>	A system for broadcasting information to a receiver via a satellite that facilitates access to greater bandwidth than reliance solely on the telephone system and affords relatively high data transfer rates from the data source to the receiver.
<b>Direct broadcast system</b>	A system for broadcasting information to a receiver via a satellite that facilitates access to greater bandwidth than reliance solely on the telephone system and affords relatively high data transfer rates from the data source to the receiver.
<b>Broadcasting</b>	<p>This term does not require construction.</p> <p><b>Alternate construction:</b> Transmitting.</p>
<b>Selecting</b>	<p>This term does not require construction.</p> <p><b>Alternate construction:</b> Choosing.</p>
<b>Radio frequency system</b>	A radio frequency unit and corresponding transmission medium.
<b>Wireless LAN system</b>	A wireless LAN unit and corresponding transmission medium.

1	<b>'152 Patent Claim Terms</b>	<b>Construction</b>
2	<b>Voice channel system</b>	A voice channel unit and corresponding transmission medium.
3	<b>Selection system</b>	This term does not require construction.  <b>Alternate construction:</b> A part of the information request system used to select a transmission mechanism or mechanisms for transmitting the data request to the data source.

**U. S. Patent No. 6,438,468**

'468 Patent Claim Terms	Construction
<b>System server</b>	<p>This term does not require construction.</p> <p><b>Alternate construction:</b> A device or computer system or software that includes an administrative application/program, a database and an interface application.</p>
<b>Vehicle server</b>	<p>Any hardware or software device that is capable of receiving data updates from the system server and loading the updates in a component.</p>
<b>Data connection</b>	<p>This term does not require construction.</p> <p><b>Alternate construction:</b> Any type of wireless, optical or electrical data connection.</p>
<b>Component</b>	<p>Any avionics or other aircraft device such as a flight management computer, flight management system, global positioning system, navigation computer or the like.</p>
<b>Loading said data update from said vehicle server into a component at said vehicle</b>	<p>This term does not require construction.</p> <p><b>Alternate construction:</b> Loading the data update from the vehicle server into the vehicle component.</p>
<b>Verifying from said vehicle server to said system server via said data connection that said loading step completed successfully</b>	<p>This term does not require construction.</p> <p><b>Alternate construction:</b> Transmitting a signal from the vehicle server to the system server via a data connection indicating that the loading step completed successfully.</p>
<b>Digital storage medium</b>	<p>This term does not require construction.</p> <p><b>Alternate construction:</b> A medium that can store digital information.</p>

'468 Patent Claim Terms	Construction
<b>Operable to execute the method</b>	<p>This term does not require construction.</p> <p><b>Alternate construction:</b> Able to cause one or more applications, processes, processors or devices to perform the steps.</p>
<b>At a pre-determined time</b>	<p>This term does not require construction.</p> <p><b>Alternate construction:</b> At a time that is determined in advance, or that is determined by a program in accordance with pre-determined rules based on user inputs and/or data in a database.</p>
<b>Receiving a confirmation from said vehicle server via said data connection when said data update is successfully loaded</b>	<p>This term does not require construction.</p> <p><b>Alternate construction:</b> Receiving a signal from the vehicle server to the system server via the data connection indicating that the loading step completed successfully.</p>

The constructions provided above apply to each instance where the patents' claims utilize same or substantially identical claim limitations to those specifically referenced above.

**SO ORDERED,**

Dated: \_\_\_\_\_, 2008

\_\_\_\_\_  
The Honorable Margaret M. Morrow  
United States District Court Judge